

DCSINC.011A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Weatherill et al.

Appl. No. : 09/777,420

Filed : February 6, 2001

For : REEL HOUSING WITH
DECORATIVE ACCESS
PANEL

Examiner : Unknown

) Group Art Unit 3653

) I hereby certify that this correspondence and all
) marked attachments are being deposited with
) the United States Postal Service as first-class
) mail in an envelope addressed to: Assistant
) Commissioner for Patents, Washington, D.C.
) 20231, on

June 5, 2001

(Date)

Sanjivpal S. Gill

Sanjivpal S. Gill, Reg. No. 42,578

PETITION FOR EXAMINATION WITHOUT AN INVENTOR'S SIGNATURE UNDER
37 C.F.R. § 1.47

RECEIVED

JUL 31 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

Dear Sir:

Co-inventor James B.A. Tracey respectfully requests that examination of the above-captioned application proceed without the signature of co-inventor Sean B. Weatherill, under 37 C.F.R. § 1.47.

I. Proof of the Pertinent Facts

Mr. Tracey has assigned his interest in this application to Great Stuff, Inc. ("Great Stuff"). The attorneys of record for this application have been given a power of attorney from Great Stuff, but not from Mr. Weatherill.

On January 8, 2001, prior to the filing of this application, the attorneys of record mailed assignment (to Great Stuff) and declaration (as required under 37 C.F.R. § 1.51(b)(2)) forms for this application to Great Stuff, to be signed by Mr. Tracey and Mr. Weatherill. Mr. Weatherill refused to sign either form. The attorneys of record thus filed this application without his signature. On April 25, 2001, after receiving a Notice of Missing Parts, the attorneys of record

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again mailed declaration and assignment forms to Great Stuff. Great Stuff was again unable to obtain Mr. Weatherill's signature. On May 24, 2001, the attorneys of record again mailed declaration and assignment forms to Mr. Weatherill at his last known address. Presently, neither Great Stuff nor the attorneys of record have been able to obtain assignment and declaration forms signed by Mr. Weatherill. If such forms are received, the attorneys of record will file them promptly.

Mr. Weatherill is obligated to assign this application to his former employer Diversified Collection Services, Inc. ("DCS"), in accordance with the employment agreement between Mr. Weatherill and DCS at the time he was hired. After the invention date of the subject matter of this application, DCS assigned its entire interest therein to Great Stuff.

Attached hereto as Exhibit A is a Declaration of Mr. Tracey, setting forth the pertinent facts relating to Mr. Weatherill's obligation to assign the present application to DCS. As stated by Mr. Tracey, Mr. Weatherill was hired by DCS to assist in the design and development of reels for hoses, electrical cords, and the like, and worked on the development of the subject matter of the present application during his employment by DCS.

Attached hereto as Exhibit B is a copy of the Employment Agreement between DCS and Mr. Weatherill. Paragraph 7.1 states:

7.1 All ideas, thoughts, processes, discoveries, inventions, writings, programs, systems, and other intangible rights and items used, discovered, thought of, invented, developed, improved, or otherwise used by you while employed by DCS and all incidents of the same, shall be deemed to be the sole property of DCS. This shall be so regardless of whether the intangible right or item is capable of protection under patent, trademark, copyright, or other laws.

According to paragraph 7.1 of the Employment Agreement, since Mr. Weatherill's co-invented the subject matter of the present application during his employment by DCS, this subject matter was the sole property of DCS prior to being assigned to Great Stuff.

Attached hereto as Exhibit C is a copy of an Assignment by DCS to Great Stuff of DCS's entire interest in the subject matter of the present application.

II. Last Known Address of Mr. Weatherill

The last known address of Mr. Weatherill is 726 Old Creek Road, Danville, CA 94526. However, Mr. Weatherill previously informed the attorneys of record that this address is not

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reliable, and that all mail in connection with this application should be sent to the address 17905 Joseph Drive, Castro Valley, CA 94546.

III. Conclusion

Since Mr. Weatherill refuses to sign a declaration for this application, it is respectfully requested that examination proceed without his signature.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/5/01

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